

REMARKS/ARGUMENTS

Claims 1, 7, 8, 10-14, 16-21, 23 and 24 are pending. By this Amendment, claims 2-6, 9, 15 and 22 are cancelled, claims 1, 7, 8, 10-14, 16-21, 23 and 24 are amended, and new claims 23 and 24 are presented. Support for the amendments to claims 1, 7, 8, 10-14, 16-21, 23 and 24 and new claims 23 and 24 can be found, for example, in original claims 1-22. No new matter is added. In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

Information Disclosure Statement

The Office Action does not include an indication that each of the references cited in the March 17, 2006 Information Disclosure Statement has been considered by the Examiner. Applicants respectfully request that the Examiner consider of each of the cited references, indicate such consideration on the attached Form PTO-1449, and return the initialed form to the undersigned.

Objection to the Claims

The Office Action objects to claims 1, 21 and 22 as including informalities. By this Amendment, claim 22 is cancelled, and claims 1 and 21 are amended to obviate the objection. Accordingly, reconsideration and withdrawal of the objection are respectfully requested.

Rejection Under 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 1, 2, 4, 7, 9, 11-13, 15 and 17-22 as indefinite under 35 U.S.C. §112, second paragraph. By this Amendment, claims 2, 4, 9, 15 and 22 are cancelled, and claims 1, 7, 11-13 and 17-21 are amended to obviate the rejection. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Rejection Under 35 U.S.C. §102

The Office Action rejects claims 1-22 under 35 U.S.C. §102(b) over FR 2766174 to Grimal et al. ("Grimal")[#]. By this Amendment, claims 2-6, 9, 15 and 22 are cancelled, rendering the rejection moot as to those claims. As to the remaining claims, Applicants respectfully traverse the rejection.

Claim 1 recites "[a] composite product, comprising: a transparent substrate; a multilayer system comprising a functional layer and a layer C; and a cover layer; wherein ... the cover layer is an oxide-based mechanical protection layer, the oxide being optionally oxygen-substoichiometric or oxygen-superstoichiometric and/or optionally nitrided; and the cover layer comprises at least one of: (i) at least one titanium oxide containing another metal M given by the formula TiM_pO_xN_y where p and y may be zero; (ii) at least one oxide containing Zn and at least one other element chosen from Al, Ga, In, B, Y, La, Ge, Si, P, As, Sb, Bi, Ce, Ti, Zr, Nb, Ta and Hf; and (iii) at least one oxide containing Zr and at least one other metal" (emphasis added). Claim 21 is directed to process including, *inter alia*, applying a cover layer, as recited in claim 1, to a transparent substrate. Grimal does not disclose or suggest such a product or such a process.

As indicated above, claim 1 requires an oxide-based cover layer including titanium, zinc or zirconium and a further metal. As correctly pointed out in the Office Action, Grimal discloses a transparent substrate on which multiple layers are formed. *See, e.g., Grimal, Abstract.* One of the layers is a protective layer including a metal, which is optionally an oxide. *See Grimal, paragraph [0019].* The metal may be selected from niobium, tin, tantalum, titanium and zirconium. *See Grimal, paragraph [0019].* However, there is no

[#] Discussion of Grimal is made with reference to U.S. Patent Application Publication No. US 2003/0235719.

disclosure or suggestion in Grimal of employing a protective layer including a mixed oxide of titanium, zinc or zirconium and a further metal.

The present inventors discovered that mixed oxide coatings including titanium, zinc or zirconium and another metal provide mechanical protection and strength properties to composite products including layers containing [nitrides, carbonitrides, oxynitrides or oxycarbonitrides] of silicon or aluminum or mixtures of both. Grimal does not disclose or suggest the cover layers of claims 1 and 21 or recognize the benefits stemming therefrom.

As Grimal fails to disclose or suggest employing a cover layer including a mixed oxide of titanium, zinc or zirconium and a further metal, Grimal fails to disclose or suggest each and every feature of claims 1 and 21.

As explained, claims 1 and 21 are not anticipated by Grimal. Claims 7, 8, 10-14 and 16-21 depend from claim 1 and, thus, also are not anticipated by Grimal. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

New Claims

By this Amendment, new claims 23 and 24 are presented. New claims 23 and 24 depend from claim 21 and, thus, are believed to be patentable for at least the reasons discussed above with respect to claim 21.

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Reply to Office Action of April 17, 2008

Conclusion

For the foregoing reasons, Applicants submit that claims 1, 7, 8, 10-14, 16-21, 23 and 24 are in condition for allowance. Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

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Attachment:
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